

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
ALBANY DIVISION**

UNITED STATES OF AMERICA,

v.

CHANDRA F. HENDERSON,

Defendant.

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Case No. 1:13-CR-17 (WLS)

**ORDER**

Presently pending is defense counsel Robert McLendon's Motion to Withdraw as Attorney for Chandra Henderson. (Doc. 33.) Therein, Mr. McLendon states that Defendant has informed him of her intent to pursue post-conviction relief from this Court, relief that includes claiming that her counsel (Mr. McClendon) was ineffective. Per Mr. McLendon, he should be permitted to withdraw as he cannot argue that he was ineffective.

Defendant Henderson pleaded guilty to an Information charging her with one count of conspiracy to defraud the United States in violation of 18 U.S.C. § 371. On August 8, 2013, Defendant Henderson was sentenced to eighteen months of imprisonment to be followed by three years of supervised release, a mandatory assessment of \$100 and \$376,636 in restitution. Judgment was entered on August 14, 2013. A notice of appeal has not been filed in this case and the deadline to file said notice expired on August 28, 2013. Fed. R. App. P. 4(b)(1)(A)(i); *see also* Docket.

As a general matter, counsel appointed under the Civil Justice Act ("CJA") shall continue in the representation of a defendant "throughout all proceedings in this court and in the Court of Appeals for the Eleventh Circuit." M.D. Ga. CJA Plan, App. A § V.A. With the expiration of Defendant's deadline to file a notice of appeal now expired, Mr.

McLendon has discharged his duties under the CJA. Accordingly, to the extent Defendant Henderson seeks to pursue other post-conviction relief for her ineffective assistance of counsel claim against Mr. McLendon, via a motion to vacate under 28 U.S.C. § 2255, a claim that she has not waived by failing to pursue a direct appeal, *see Massaro v. United States*, 538 U.S. 500, 505 (2003), Mr. McLendon's Motion to Withdraw as Attorney for Chandra Henderson (Doc. 33) is **GRANTED**.

**SO ORDERED**, this 9<sup>th</sup> day of December 2013.

/s/ W. Louis Sands  
**W. LOUIS SANDS, JUDGE**  
**UNITED STATES DISTRICT COURT**